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Attorneys for Complainant

**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the First Amended Accusation
Against:

DEBORAH LYNN LOWE
1240 Yale Street, #118
Santa Monica, CA 90403

Physical Therapist License No. PT 25003

Respondent.

Case No. 1D 2002 63048

OAH No. L2005080422

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

In the interest of a prompt and speedy settlement of this matter, consistent with the public interest and the responsibility of the Physical Therapy Board of California of the Department of Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will be submitted to the Board for approval and adoption as the final disposition of the First Amended Accusation

PARTIES

1. Steven K. Hartzell (Complainant) is the Executive Officer of the Physical Therapy Board of California. He brought this action solely in his official capacity and is represented in this matter by Bill Lockyer, Attorney General of the State of California, by E. A. Jones III, Deputy Attorney General.

2. Respondent Deborah Lynn Lowe (Respondent) is represented in this proceeding by attorney Kenneth W. Drake, whose address is Rushfeldt, Shelley & Drake LLP,

1 12925 Riverside Drive, Sherman Oaks, CA 91423-2209.

2 3. On or about February 22, 2000, the Physical Therapy Board of California
3 issued Physical Therapist License No. PT 25003 to Deborah Lynn Lowe. The License was in full
4 force and effect at all times relevant to the charges brought in First Amended Accusation No. 1D
5 2002 63048 and will expire on June 30, 2005, unless renewed.

6 JURISDICTION

7 4. First Amended Accusation No. 1D 2002 63048 was filed before the
8 Physical Therapy Board of California (Board), Department of Consumer Affairs, and is currently
9 pending against Respondent. The First Amended Accusation and all other statutorily required
10 documents were properly served on Respondent on February 2, 2006. Respondent timely filed
11 her Notice of Defense contesting the Accusation. A copy of First Amended Accusation No. 1D
12 2002 63048 is attached as exhibit A and incorporated herein by reference.

13 ADVISEMENT AND WAIVERS

14 5. Respondent has carefully read, fully discussed with counsel, and
15 understands the charges and allegations in First Amended Accusation No. 1D 2002 63048.
16 Respondent has also carefully read, fully discussed with counsel, and understands the effects of
17 this Stipulated Settlement and Disciplinary Order.

18 6. Respondent is fully aware of her legal rights in this matter, including the
19 right to a hearing on the charges and allegations in the First Amended Accusation; the right to be
20 represented by counsel at her own expense; the right to confront and cross-examine the witnesses
21 against her; the right to present evidence and to testify on her own behalf; the right to the
22 issuance of subpoenas to compel the attendance of witnesses and the production of documents;
23 the right to reconsideration and court review of an adverse decision; and all other rights accorded
24 by the California Administrative Procedure Act and other applicable laws.

25 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
26 each and every right set forth above.

27 CULPABILITY

28 8. Respondent understands and agrees that the charges and allegations in

1 First Amended Accusation No. 1D 2002 63048, if proven at a hearing, constitute cause for
2 imposing discipline upon her Physical Therapist License.

3 9. For the purpose of resolving the First Amended Accusation without the
4 expense and uncertainty of further proceedings, Respondent admits the truth of the allegation in
5 paragraph 10.A. of the First Amended Accusation No. 1D 2002 63048.

6 10. Respondent agrees that her Physical Therapist License is subject to
7 discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the
8 Disciplinary Order below.

9 CIRCUMSTANCES IN MITIGATION

10 11. Respondent Deborah Lynn Lowe has never been the subject of any
11 disciplinary action. She is admitting responsibility at an early stage in the proceedings.

12 RESERVATION

13 12. The admissions made by Respondent herein are only for the purposes of
14 this proceeding, or any other proceedings in which the Physical Therapy Board of California or
15 other professional licensing agency is involved, and shall not be admissible in any other criminal
16 or civil proceeding.

17 CONTINGENCY

18 13. This stipulation shall be subject to approval by the Physical Therapy Board
19 of California. Respondent understands and agrees that counsel for Complainant and the staff of
20 the Physical Therapy Board of California may communicate directly with the Board regarding
21 this stipulation and settlement, without notice to or participation by Respondent or her counsel.
22 By signing the stipulation, Respondent understands and agrees that she may not withdraw her
23 agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon
24 it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement
25 and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be
26 inadmissible in any legal action between the parties, and the Board shall not be disqualified from
27 further action by having considered this matter.

28 14. The parties understand and agree that facsimile copies of this Stipulated

1 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
2 force and effect as the originals.

3 15. In consideration of the foregoing admissions and stipulations, the parties
4 agree that the Board may, without further notice or formal proceeding, issue and enter the
5 following Disciplinary Order:

6 **DISCIPLINARY ORDER**

7 IT IS HEREBY ORDERED that Respondent Deborah Lynn Lowe, holder of
8 Physical Therapist License No. PT 25003, shall be publicly reprovved by the Physical Therapy
9 Board of California for violating Business and Professions Code sections 2630 and California
10 Code of Regulations, title 16, section 1399 as set forth in First Amended Accusation No. 1D
11 2002 63048, and shall comply with the following terms and conditions. A copy of the public
12 reproval is attached as Exhibit B and is incorporated here as if fully set forth.

13 1. **COST RECOVERY** The respondent is ordered to reimburse the Board the
14 actual and reasonable investigative and prosecutorial costs incurred by the Board in the amount
15 of \$910.00. If respondent pays \$710.00 within sixty (60) days of the effective date of this
16 stipulation, the balance shall be forgiven. Failure to timely make the \$710.00 payment
17 constitutes a material breach of this order and shall cause the whole amount (\$910.00) to be due
18 and payable.

19 2. **WRITTEN EXAM ON THE LAWS & REGULATIONS GOVERNING**
20 **THE PRACTICE OF PHYSICAL THERAPY** Within 90 days of the effective date of this
21 decision, Respondent shall take and pass the Board's written examination on the laws and
22 regulations governing the practice of physical therapy in California. If Respondent fails to pass
23 the examination, Respondent shall be suspended from the practice of physical therapy until a
24 repeat examination has been successfully passed. Failure to comply with this condition
25 constitutes a material breach of this order.

26 3. **PRACTICE OR PERFORMANCE OF PHYSICAL THERAPY WHEN**
27 **SUBJECT TO PUBLIC REPROVAL** It is not contrary to the public interest for the Respondent
28 to practice and/or perform physical therapy after issuance of the public reproval. Accordingly, it

1 is not the intent of the Board that this order or the fact that the Respondent has been publicly
2 reproved shall be used as the sole basis for any third party payor to remove Respondent from any
3 list of approved providers.

4 4. FAILURE TO COMPLY WITH ORDER A material breach by
5 Respondent of this order shall constitute unprofessional conduct and shall be a basis for further
6 disciplinary action by the Board. In such circumstances, the Complainant may reinstate the First
7 Amended Accusation in case number 1D 2002 63048, file an amended accusation and/or file a
8 supplemental accusation alleging any material breach of this order by Respondent as
9 unprofessional conduct.

10 ACCEPTANCE

11 I have carefully read the above Stipulated Settlement and Disciplinary Order and
12 have fully discussed it with my attorney, Kenneth W. Drake. I understand the stipulation and the
13 effect it will have on my Physical Therapist License. I enter into this Stipulated Settlement and
14 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
15 Decision and Order of the Physical Therapy Board of California.

16 DATED: January 26, 2006.

17
18 Original Signed By:
19 DEBORAH LYNN LOWE
20 Respondent

21 I have read and fully discussed with Respondent Deborah Lynn Lowe the terms
22 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
23 Order. I approve its form and content.

24 DATED: January 26, 2006.

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26 Original Signed By:
27 KENNETH W. DRAKE
28 Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Physical Therapy Board of California of the Department of Consumer Affairs.

DATED: January 30, 2006.

BILL LOCKYER, Attorney General
of the State of California

Original Signed By:
E. A. JONES III
Deputy Attorney General

Attorneys for Complainant

DOJ Docket/Matter ID Number: 03575160-LA02 1311
Lowe Stipulated Decision.wpd

Exhibit A

First Amended Accusation No. 1D 2002 63048

Exhibit B
Public Reproval

**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the First Amended Accusation
Against:

DEBORAH LYNN LOWE
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Physical Therapist License No. PT 25003

Respondent.

Case No. 1D 2002 63048

OAH No. L2005080422

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Physical Therapy Board of California, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on April 5, 2006.

It is so ORDERED March 6, 2006.

Original Signed By:
FOR THE PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
Donald Chu, PhD, PT , President